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President: Mr. Udovenko . . . . . (Ukraine)

The meeting was called to order at 10.10 a.m.

Agenda item 49

Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Note by the Secretary-General transmitting the fourth annual report of the International Tribunal (A/52/375)

The President: May I take it that the Assembly takes note of the fourth annual report of the International Tribunal?

It was so decided.

The President: I call on Mr. Antonio Cassese, President of the International Tribunal.

Mr. Cassese (International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991): Mr. President, may I first of all express my deep gratitude for the honour you have shown me by allowing me once again to address the General Assembly on the activities of the International Criminal Tribunal for the Former Yugoslavia.

In view of the fact that the first four-year mandate of the Hague Judges is drawing to a close, instead of outlining our activities from 1996 to 1997, I would like to take this opportunity to offer the Assembly an insider's appraisal of our successes and shortcomings since our establishment in 1993. The end of our first mandate also coincides with the end of my second and last term as President of the International Tribunal. I would therefore like to take this opportunity to express my thoughts, concerns and hopes for the future of this extraordinary institution.

To make a dispassionate assessment of our first four years of life, we need to take a step back and remind ourselves of why the International Criminal Tribunal for the Former Yugoslavia was established in May 1993 and what we were mandated to achieve. This means looking at the vision behind the creation of the Tribunal and the means by which such a vision was to be realized.

In the context of a brutal conflict with violence and atrocities on a scale not seen in Europe since the 1940s, the Security Council clearly had one overriding aim, and this was to contribute to peace in the former Yugoslavia. One of the most significant responses of the United Nations to the war was the establishment of an international judicial mechanism, through which the world community could, first, contribute to peace by dispensing justice to the victims of genocide, murder, torture, rape and other atrocities in the former Yugoslavia; secondly, deter further abuses of humanitarian law by making it clear that today's world

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will no longer accept impunity for the planners and the perpetrators of these crimes; and thirdly, create a historical record of what occurred during the conflict, thereby preventing historical revisionism which would bury the memory of the victims alongside their corpses.

If we contrast the aims pursued by the Security Council in 1993 with what has been achieved, the picture we find is reasonably satisfactory.

With respect to the first goal of the Security Council, namely the achievement of peace, it is well known that in spite of the Dayton/Paris Agreement, there is today only a fragile peace in the former Yugoslavia. The establishment of the International Tribunal was conceived as an important contributing factor to the process of reconciliation and peace-building. Today nobody would deny that the Hague Tribunal is a fundamental piece of a highly complicated jigsaw puzzle. Today everybody is convinced, both in the countries of the former Yugoslavia and elsewhere, that there will be no real peace without justice. At The Hague, we strive to dispense justice and have made significant progress. Yet, despite what has been achieved in the last four years, it would be entirely premature, inappropriate and even risky for us to speak at this stage of having done justice to the victims of violence in the former Yugoslavia. The enormity of what we are dealing with is, of course, not atoned for simply by holding a few trials; we have much, much more to do before history can fairly assess whether we have adequately rendered justice at The Hague.

The second goal of the Security Council was that, by the application of the rule of law, the International Criminal Tribunal would deter further hostilities. There, one striking failure stands out: the shameful slaughter on a massive scale of civilians following the fall of Srebrenica in July 1995. True, these crimes have been thereafter the subject matter of the first sentencing judgement of our Tribunal and various other proceedings resulting in the issuance of international arrest warrants.

However, although in July 1995 the Tribunal was already functioning as a judicial institution, the murderers, torturers and rapists of Srebrenica had no fear of being made accountable to the Tribunal. We then seemed to be an irrelevant, distant and ineffective body. The lesson here is one I have been stressing in my reports to the Security Council and General Assembly since 1993, namely, that States must cooperate with the Tribunal. Arrests must be made. Assistance must be given to requests from the Tribunal. People must know that genocide, mass rape and other egregious abuses are regarded as the pinnacle of human criminality, and that their own States will arrest them if they are indicted by the International Criminal Tribunal. Our potential to break the cycle of violence is great, but we can only do so with the assistance of States and the organized world community.

With respect to the Security Council's third goal, namely, to establish the truth of what happened, much has been achieved. In the course of prosecutions, much has come into the public domain. The allegations of hideous atrocities which whispered their way around the world through refugees, victims, humanitarian workers and journalists, have passed from accusation and rumour to judicial evidence.

For instance, the *Tadić* judgment, rendered by Trial Chamber II of our Tribunal on 7 May 1997, established as a matter of judicial fact what happened in a particular place in the former Yugoslavia, the *opština* or municipality of Prijedor, in the dark days of 1992. It has been proved to the satisfaction of the judges of that particular Trial Chamber that certain things occurred in a particular context. That judgment was the first ever judicial condemnation of "ethnic cleansing". Memories fade and become prone to manipulation, buildings crumble, people pass on, but our records and the reams of evidence collated by the Prosecutor of our Tribunal and scrutinized by the trial judges will impede revisionists from denying what happened in the *opština* of Prijedor and elsewhere in the former Yugoslavia.

Let me now set out briefly and concretely what we have done in the four years that have passed. We can say with honesty that within the means made available to us, we have achieved considerable success. Beginning from nothing, hundreds of dedicated individuals have worked to create a fully functioning International Criminal Tribunal. When we judges took office on 17 November 1993, the Tribunal had no premises of its own, no staff, no budget, much less a courtroom.

Today, although we have been endowed with only the minimum necessary logistics, the Tribunal at The Hague is a vibrant, fully operational judicial body. Eighteen public indictments against 77 indictees, plus a number of sealed indictments have been issued by the Prosecutor and confirmed by our judges. Twenty indicted individuals, including some leaders, are currently in detention at the United Nations prison at The Hague. One very lengthy trial has been held, plus many other proceedings, and two other trials are under way, with a third to commence within a matter of weeks.

In order to reach this stage, we had to overcome a series of hurdles. Here again, I shall be candid. In 1993, neither the Security Council nor the General Assembly nor we judges at the Tribunal in The Hague could imagine how many obstacles we would face in our path: financial, logistical, legal and, what is more, practical.

The financial and logistical aspects are plain. To establish a functioning international criminal tribunal from scratch requires enormous funding. One has to hire staff from all around the world, recruit investigators and analysts to delineate the areas of investigation, set up a data bank, send teams of investigators into the field, build courtrooms and offices and supply them with all the necessary equipment, build a prison, fund programmes for the protection of victims and witnesses, and so on.

Legally, it bears pointing out that, unlike national jurisdictions which may rely on dozens of codes and hundreds of precedents for guidance, the International Criminal Tribunal must apply, in addition to its Statute, international customary law, which can only be ascertained by consulting widely dispersed international law sources on war crimes and crimes against humanity. In addition, no international code of criminal procedure was available to us and we had to develop one ourselves: we call it Rules of Procedure and Evidence.

In practical terms, as is well known, it has proved extremely difficult to achieve significant State cooperation, in particular by ensuring that States comply with the Tribunal's orders to arrest and deliver indicted persons to our Hague Tribunal. While Croatia and the central authorities of Bosnia and Herzegovina have complied, to various degrees, with such Tribunal orders, the two entities comprising Bosnia and Herzegovina — Republika Srpska and the Federation of Bosnia and Herzegovina — have not done so, nor has the Federal Republic of Yugoslavia (Serbia and Montenegro), thereby flouting the authority of the United Nations.

Thus, we face the same problems today that we have struggled with over the last four years. Our first, most crucial and most urgent problem is the need for more arrests of military and political leaders.

Secondly, the Office of the Prosecutor of our Tribunal should be strengthened. More investigators are needed to undertake the many complex and time-consuming inquiries that are necessary to fulfil the Tribunal's mandate. In order to grasp the urgency of having more prosecutorial staff, one needs only to look at what happens in some countries with regard to national crimes. For example, the Belgian paedophile investigation began in August 1996 with 350 police investigators, criminal analysts and forensic experts engaged on a full-time basis; after 12 months of investigations, 174 personnel remain engaged on the investigation, which is expected to continue until the end of 1998. Moreover, the Oklahoma City bombing case in the United States had 120 investigators or FBI agents participating in the investigation at the bombing site in the initial stages.

By contrast, at present the Office of the Prosecutor at The Hague has a total of 45 investigators and analysts available, to collect evidence concerning hundreds of complex criminal activities perpetrated on a large scale in the former Yugoslavia over more than four years of armed conflict.

Thirdly, while we have only one now available, we need three or four courtrooms if we are to conduct numerous trials with expedition and complete fairness.

Despite the problems besetting our Tribunal at The Hague and the limitations under which we labour, I believe that the International Criminal Tribunal for the Former Yugoslavia is playing a momentous role in the current international community. When our Tribunal first started working, it was as if we had constructed some novel flying machine, with the international community wondering whether we would ever get it off the ground. The Tribunal has, indeed, been able to take off, in spite of the adverse winds and the numerous storms which have buffeted us.

Let me also insist again on one important feature of the Hague Tribunal. In 1993 the Security Council, with the support of the General Assembly, set an important precedent by creating, for the first time in world history, a truly international and truly impartial criminal court. As everyone knows, the post-Second World War military tribunals at Nuremberg and Tokyo have been haunted by the charge that they were established by the victorious Powers to judge the vanquished. As a great writer once said, "The victor is the master even of truth; he can manipulate truth as he pleases." The International Criminal Tribunal for the Former Yugoslavia is not open to this charge. Our Prosecutor has investigated and is still striving to investigate all major crimes allegedly perpetrated in the former Yugoslavia, regardless of the political, ethnic or religious group to which the suspect belonged. And we judges have pronounced upon indictments in an absolutely impartial manner, again

regardless of the political, national, ethnic or religious affiliations of the alleged culprits. For us, it is indeed obvious that it is the individual culpability or innocence of the indictee that is all important.

I shall add that, in addition to our actual functions, we have also played what I would call a significant symbolic role over the past four years. The Tribunal marks the advent of real justice rather than mere appeasement. It has been said that the human rights doctrine ultimately boils down to the right of victims to demand that their persecutors answer for their misdeeds. If this is so, the Hague Tribunal can be seen as the very embodiment of the human rights doctrine. So far, more than 200 victims have appeared before the judges of the International Tribunal in The Hague almost every day to give evidence of the horrors which were visited upon them. What is even more important, they have told of the people who, they have alleged, committed those abuses.

In 1795 Immanuel Kant, in his famous essay on perpetual peace, wrote that the international community has progressed so far that a violation of law and rights in one place on Earth is felt in all other places. Our work at The Hague is the embodiment of this faith in the international community, and our efforts are founded on the notion of individual accountability at the international level for international crimes that strike at the core of all of us. The horrors of human depravity all over the world, if not dealt with, diminish humanity's notions of right and wrong, of good and evil, and erode faith in mankind. In The Hague, we do not subscribe to the view so aptly referred to by Victor Hugo that if a man is killed in Paris, it is murder; the throats of 50,000 people are cut in the East, and this is a problem. Atrocities, whether perpetrated in Europe, America, Africa or Asia, must be punished. We at The Hague very much hope that the international criminal court will soon be established to cope with the most vicious and inhuman crimes, wherever they are perpetrated.

In concluding, let me turn to the future. We have spent the last four years fighting to build up an international judicial institution worthy of the United Nations. We are now moving to a totally different phase: in the next four years, we will hold a number of important trials with the utmost expedition compatible with the principles of fairness and justice. Over the next four years, the Hague Tribunal will continue to strive, with unshakeable resolve, to render justice in spite of the numerous problems which hamper our effectiveness. In view of these obstacles, which I have touched upon in the course of this speech, I would like to urge all Member States to lend to the International Criminal Tribunal for the Former Yugoslavia all the support the Tribunal is entitled to receive.

I say to Member States: You have launched a stupendous enterprise, the importance of which probably will only be fully understood and appreciated in the next millennium. You have put an end to the culture of impunity, to the possibility of historical amnesia, and have ruled out the immoral practice of passing laws granting amnesty to all culprits. You have determined that victims have a basic right to see their persecutors brought to justice. This is an enterprise to tame the savage heart of man and to make more gentle life on this planet, an enterprise worthy of a renewed United Nations and worthy of bearing fruit. I ask you to ensure that this extraordinary exercise in international morality and law is fully supported and yield lasting results. I beg you to continue to heed the cries of the victims of barbarity and allow this pioneering dispensation of international criminal justice to become the hallmark of the new international community.

Mr. Wolzfeld (Luxembourg) (*interpretation from French*): I have the honour to speak on behalf of the European Union. The countries of Central and Eastern Europe associated with the European Union — the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and the associated country of Cyprus — also support this statement.

The European Union would first like to thank the President of the International Tribunal for the Former Yugoslavia, Mr. Antonio Cassese, for his introduction of his fourth annual report. Both through its analysis and the details it provides, the report gives us a clear and complete picture of the activities of the Tribunal between 1 August 1996 and 31 July 1997. We congratulate President Cassese and the Prosecutor and officers of the Tribunal on the important work they have accomplished. The European Union would also like to express its appreciation for the major contribution that the Netherlands, as host country, makes to the Tribunal's activities.

In its almost four years' existence, the Tribunal has made important progress. Under Security Council resolution 827 (1993), the international community established jurisdictional mechanisms to put an end to the situation of impunity enjoyed by too many perpetrators of serious crimes, breaches of international law committed during the years of conflict in the former Yugoslavia.

The proper functioning of the Tribunal is crucial for the full implementation of the peace accords in the former Yugoslavia.

The European Union reaffirms that in order to do its job impartially the International Tribunal must be totally independent of any political authorities. The European Union will therefore refrain from commenting on cases now before the Tribunal. However, we would like to stress the need for unstinting cooperation by all States and all parties with the International Tribunal, to enable it to perform its duties satisfactorily.

The normalization of relations in the territory of the former Socialist Federal Republic of Yugoslavia requires that a new atmosphere of confidence and security be established among the parties. The European Union believes that confidence and security will only be possible if there is respect for the primacy of law. The legal obligation to cooperate with the Tribunal is mentioned in article 29 of its statute. The handing over or transfer of indictees for whom arrest warrants have been issued is essential in order to assure the Tribunal's proper functioning and credibility. The European Union believes that the international community must see to it that article 29 of the statute is fully implemented. Over and above legal considerations, it is the moral responsibility of the international community to see to it that the perpetrators of atrocities do not go unpunished and that justice is not denied to the victims of such crimes.

As President Cassese mentioned in his report, the Tribunal has made important progress with the resources available to it. However, it continues to be obstructed by certain States and entities of the former Yugoslavia that refuse to cooperate. There the European Union fully shares the views of Mr. Cassese. Whereas Croatia and the central authorities of Bosnia and Herzegovina have complied, to varying degrees, with the Tribunal's orders, the two entities that make up Bosnia and Herzegovina — the Republika Srpska and the Federation of Bosnia and Herzegovina and the Federal Republic of Yugoslavia has not, thus defying the authority of the United Nations. The impunity enjoyed in the former Yugoslavia by a large number of indictees is unacceptable.

Nothing can justify the non-execution of arrest warrants. It is essential that States adopt the necessary legislative, administrative and judicial measures to ensure the speedy execution of the orders issued by the Tribunal. Although many States have promulgated enforcement legislation to discharge their responsibilities, the European Union continues to be concerned that, generally speaking, the situation is unsatisfactory.

Moreover, the European Union reaffirms that it is imperative to give proper financial support and to ensure effective personnel management in the Tribunal. The European Union welcomes the decision of the General Assembly to request the Secretary-General to submit in his programme budget for 1998 recommendations to enable the International Tribunal to complete its job as soon as possible. This budget is now being considered by the Advisory Committee on Administrative and Budgetary Questions, and we hope that very soon it will be taken up by the Fifth Committee. The European Union encourages all States to help ensure that consideration of the Tribunal's budget is speedily concluded.

The European Union and its member States will continue to make voluntary contributions to help the Tribunal's work; it will provide full support for its smooth functioning. To that end, a cooperative relationship with the various republics is contingent upon their compliance with the peace accords and their cooperation with the International Tribunal.

The European Union believes that the International Tribunal for the Former Yugoslavia is an important precedent for the establishment of an international criminal court. The work and experience of the Tribunal will provide a valuable source for the establishment of rules making it possible to prosecute and punish, at the international level, serious violations of humanitarian law, no matter where or by whom those crimes were committed.

Almost four years after its establishment, the International Criminal Tribunal for the Former Yugoslavia is a fully operational judicial body. On the whole, it has been an outstanding success, thanks to all those who have committed themselves to the cause of justice. The European Union and its member States will continue to give full support to the Tribunal, and request that other Member States do likewise. For peace to triumph, justice must prevail.

Mr. Berteling (Netherlands): I would like to take the floor on the agenda item before us today as the representative of the host country of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. This Tribunal, as delegations will know, is seated in The

Hague, "the judicial capital of the world", as the President of the International Court, Judge Schwebel, put it just the other day before this General Assembly.

The Netherlands, of course, fully subscribes to the intervention that has just been made on behalf of the European Union by the Ambassador of Luxembourg.

We have read the report of the Tribunal and listened carefully to President Cassese's lucid presentation. Despite the enormity of its tasks and the political and financial constraints on its operations, the Tribunal has now come of age. It is making its own distinctive mark on history. We express our gratitude to Judge Cassese for his leadership as President of the Tribunal during its first and most difficult period of existence. Through his tireless efforts the Tribunal did "get off the ground", as he put it himself.

At the same time, we are grateful to those officials of the Tribunal whose terms of office expired during the reporting period, and we recognize the invaluable efforts of the Registrar, the Prosecutor and their staff, illustrated by their tireless efforts during the reporting period. A word of special thanks is also due Mr. Richard Goldstone, who, by his personal commitment and charisma, contributed greatly to the recognition of the fledgling Tribunal by the international community. Dispensing justice is indeed the work of dedicated individuals.

Finally, I wish to congratulate the Judges and the new Prosecutor on their appointment, election or re-election to their respective terms of office. As indicated in the report, these will be taxing years for all of them. We wish them the wisdom and stamina required for these high offices and pledge them all our support.

The Netherlands feels indeed privileged to host an institution that is growing up at such a fast pace and with such excellent credentials. In this respect, I beg to differ with the view expressed in the report; contrary to the report's statement, the Tribunal's operation is not a partial failure. It is not the Tribunal, but the bringing to justice of accused war criminals that is still not functioning as it should. We, the Member States, do not seem to allow the Tribunal to come to full fruition and we, the Member States, should mend our ways. International criminal adjudication, although a new concept for many States, entails responsibilities for all members of the international community. We cannot simply establish international tribunals and then walk away from them. For these Tribunals to serve as humanity's defence against inhumanity, as civilization's ultimate bastion against the ultimate in uncivilized behaviour, as mankind's ears to the cries of victims, we must be prepared to take upon ourselves the tasks necessary for the functioning of such Tribunals.

"Humanity" and "civilization" are the key words in describing the Tribunal's *raison d'être*. The judicial administration is as much an instrument in restoring and safeguarding humanity and civilization as are Blue or White Helmets and peace-building, preventive diplomacy and negotiations, ballot boxes and the rebuilding of local communities. The Tribunal's purpose is certainly not revenge or retribution. Its ultimate success will be measured by its ability to show that justice prevails and inhumanity does not go with impunity; that civilization will be preserved; and that the international community does care.

If only for those reasons, the Tribunal is justified in asking Member States to put more of an effort into arresting indicted war criminals and bringing them before the Tribunal. First and foremost, this holds true for the leaders and communities directly involved in the peace process: the parties to the Peace Agreement. Peace should be a comprehensive effort by all sides to preserve humanity and civilization for future generations. Those in power must realize that their failure to recognize this not only endangers present-day peace efforts, but also jeopardizes the future of their children and their children's children. Therefore, we urge all those involved, directly or indirectly, to live up to their obligations and cooperate in advancing the course of justice.

We also appeal to all Member States to seek ways and means in the realm of their domestic jurisdiction of assisting the Tribunal in every way possible. As indicated in the report, this can be done, for instance, by actively tracing and handing over indicted persons to the Tribunal, by instituting proceedings against alleged war criminals in their domestic courts, and by allowing war criminals convicted by the Tribunal to be imprisoned within their borders.

The Netherlands recognizes the legal obstacles to be surmounted in this respect. Nevertheless, we wish to remind all States of their obligations, political and legal, under international law and of their duty to cooperate with the Tribunal under the terms of its Statute. We commend the Tribunal for drawing up model arrangements to this particular end and again urge

Member States to seek early the conclusion and implementation of such arrangements.

Although peace-building cannot be achieved by the application of criminal law alone, the Tribunal must be allowed to discharge its tasks expeditiously and to the full. Ultimately, humanity and civilization thrive only under the protection of the rule of law. Ultimately, peace without justice cannot and will not persist. In order for the peace-building efforts in the territory of the former Yugoslavia to succeed, Member States must be prepared to bear and share this responsibility politically and financially, both in the international arena and domestically. Praise is due to those Member States that already do so and we encourage others to do so as well.

The Netherlands Government takes the role of host country very seriously. The Tribunal can therefore count on our continuous support, financial and otherwise, structural and for incidental projects. As examples of the last category, I would like to mention that the Netherlands this year, for instance, has financially contributed to the Tribunal, at both the personnel and the logistical levels, for on-site investigative travels with a view to the gathering and securing of evidence, by providing the necessary funding for a new telephone exchange, updating the Tribunal's facilities of worldwide communication, and by assisting in the backlog of computerized filing of and access to the Tribunal's documentation. The total of these voluntary commitments by the host country exceeded by far the $1 million mark.

As for the present year, to be reported on next year, plans are presently being worked out for a substantial in-kind contribution of at least $1 million towards the construction of a second courtroom. The Netherlands Government decided to do so in order to help solve the structural capacity problem the Tribunal is facing as a result of the arrival in The Hague of 10 Croat indictees early last month. This is a fortunate development in and of itself, but it is bound to put an extra strain on the logistical and staff capacity of the Tribunal. A second main courtroom is indeed urgently needed and extra staff — and perhaps even extra Judges — will have to be appointed.

Finally, the sharing of responsibilities takes effect not only on the State level, but also through the United Nations which, after all, established the Tribunal. The Tribunal must be authorized to meet the expenses it encounters in the performance of its statutory functions. The Tribunal must be allowed to function as a credible part of the total peace effort of the international community in this region of the world. We urge Member States to continue to grant the necessary financial leeway to the Tribunal to discharge its functions properly, both by allotting sufficient funds under the Tribunal's regular budget and, if need arises, by way of voluntary contributions to the Trust Fund of the Tribunal over and above the budgeted funds.

As I stated before, it is upon the international community, the States Members of the United Nations, that the success of the Tribunal depends. If we forsake it, we forsake humanity.

The President: I should like to propose that the list of speakers in the debate on this item be closed this morning at 11.15 a.m.

It was so decided.

Mr. Fulci (Italy): First of all, allow me to congratulate the President of the International Criminal Tribunal for the Former Yugoslavia, Chief Justice Cassese, on his statement. This time, his account of the Tribunal's activities carries a special meaning. It was, in fact, an exceptionally high-profile presentation of the work of the Tribunal in its first four years of existence — an assessment of what has been achieved so far and of what still needs to be done in order to respond to the ever-increasing demand for international criminal justice. On the eve of the end of Mr. Cassese's mandate as President of the Tribunal, I should like to express to him Italy's deepest gratitude for the skill and dedication he has shown in performing his duties.

Our colleague from Luxembourg, Ambassador Jean-Louis Wolzfeld, has already expressed the views of the European Union on the report of the International Criminal Tribunal for the Former Yugoslavia. Needless to say, we fully concur with these views. Italy would simply like to add some complementary remarks, focused on the main aspects of the Tribunal's activities.

As rightly and eloquently pointed out by Chief Justice Cassese, the establishment of the Yugoslav Tribunal was meant to achieve three fundamental goals: contribute to peace by dispensing justice to the victims of atrocities in the former Yugoslavia; deter and prevent further abuses of international humanitarian law; and preserve the historical memory of those atrocities. The Tribunal has continued to make significant progress in fulfilling its tasks. While obstacles and problems of a varied nature remain, we are confident that they can be

overcome. The road ahead is still long, but, in spite of the difficulties, the Tribunal has demonstrated its ability to play a tremendous role as a fully operational judicial institution for the prosecution and punishment of some of the most serious crimes against mankind.

Since last year's report, a judgment has been delivered, a judgment that represents a landmark in the history of international criminal law: the first judgment by the Tribunal, and the first of its kind since the Nuremberg and Tokyo trials. Another accused, who pleaded guilty, has been sentenced. The procedure has been appealed and is to be reheard. Other trials are already under way or are about to commence. Interlocutory and pre-trial hearings have been held on numerous questions. The Appeals Chamber has recently delivered an important judgment on the authority of the Tribunal to issue binding orders to States and Government officials. The office of the Prosecutor has continued to work tirelessly, and with excellent results, on its investigative and trial activities and the collection of evidence. The record is impressive, and we want to commend all the members of the various organs of the Tribunal for having made these achievements possible.

Moreover, we note with satisfaction that a number of accused have been arrested and delivered to the Tribunal, or have surrendered to it. These are significant developments in the right direction — the direction of empowering the Tribunal to exercise its functions on behalf of the international community.

This last remark brings me to the problems and shortcomings underlined by the report. Notwithstanding the efforts of the Tribunal and all its accomplishments, the vast majority of indictees continue to be free. They seem to enjoy absolute impunity. The greatest obstacle remains the failure by some States and entities in the former Yugoslavia to comply with their obligation to fully cooperate with the Tribunal, in particular with the Tribunal's orders to arrest and deliver indicted persons to The Hague. This obligation was confirmed and reinforced by the 1995 Dayton Agreement. Italy is of the view that it must be met in the most complete and effective way. Respect for State authority cannot be adduced as a pretext for not cooperating with the Tribunal.

In this same perspective, prompt enactment by the largest number of States of legislation enabling them to carry out their responsibility under the Tribunal's statute is no less crucial. Furthermore, adequate funding needs to be provided for the Tribunal's activities if we want to ensure that the basic conditions exist for the performance of its mandate. The office of the Prosecutor needs to be strengthened, especially through the addition of more investigators. States' cooperation in enforcing the sentences imposed by the Tribunal is equally important. Italy is proud to have been the first country, the first State to sign the first agreement, on 6 February 1997, for the enforcement of prison sentences pursuant to article 27 of the Tribunal's statute.

By creating the Yugoslav Tribunal, the international community has taken a decisive step towards putting an end to the era of impunity and forgetfulness for the most heinous crimes of international concern. The action undertaken by this new judicial institution is also an essential element of the process of reconciliation and peace-building in the region. Italy has consistently supported the activity of the Tribunal and will continue to do so in order to ensure its complete success.

Mr. Boyd (Panama), Vice-President, took the Chair.

Such a commitment is made even stronger in the light of the progress made by the project to establish a permanent international criminal court for the prosecution and punishment of serious violations of international humanitarian law, wherever, whenever, and by whomever committed. Next June, we will host in Rome the diplomatic conference to adopt the statute for the new court. The institutional framework to prevent impunity and dispense international criminal justice will then be complete. In this respect, the Yugoslav Tribunal is to be considered a fundamental laboratory — a pioneer — and its experience and achievements remain of utmost importance for the establishment of the permanent international criminal court. I have little doubt that soon, in looking back at history, the Tribunal for the former Yugoslavia will be seen as the cornerstone of a new era in international relations, where justice prevails and atrocities are no longer tolerated.

Mr. Sacirbey (Bosnia and Herzegovina): First, I must take this opportunity to express thanks and to commend all associated with the International Criminal Tribunal for the Former Yugoslavia for their commitment and effort over the past year. As Judge Antonio Cassese completes his trend-setting term as President of the Court, his contributions, courage and leadership will leave a monumental impression on the future work of this Tribunal as well as on the international criminal court, which is still in an embryonic state. Although we had hoped for more results, this was not for lack of either

effort or vision on the part of Judge Cassese or the Court as a whole.

Here, I would also like to most graciously thank the Netherlands for its financial and other contributions to the Tribunal. We hope that others will follow its example and heed the call for material, political, legal and legislative support for the Tribunal.

Secondly, I would personally like to congratulate the Republic of Croatia as well as our Croat leadership in Bosnia and Herzegovina for the recent cooperation extended to the Tribunal. Although there is still the need to complete this cooperation, the recent steps have been significant not only for the Tribunal but also for reconciliation, peace and normalcy in our country and in our region as a whole. This now basically leaves only one party within Bosnia and Herzegovina and only one country — the Federal Republic of Yugoslavia (Serbia and Montenegro) — that not only rejected cooperation with the Tribunal and its orders but continue to reject it.

And this brings me to the third point. I would like to emphasize that here I do not speak here for the entire Presidency of my country. Indeed, it is unfortunate that while I speak before the General Assembly only of clear compliance with our Constitution enshrined within the Dayton-Paris peace accords as well as with the fundamentals of international law, one party empowered through the processes established by those same peace accords will seek to use its authority to reprimand me for my words to the Assembly today. That is the sad state of Bosnia when legitimacy gained through the signatures for peace is usurped and misused to undermine that very agreement and its most critical provisions.

This leads to the fourth point. Radovan Karadžić, Ratko Mladić and the other indicted war criminals — and I might add here Arkan and others from the Federal Republic of Yugoslavia who remain to be indicted — were initially the vile products of our region, including neighbouring countries. Had there been no peace accord sponsored by the most powerful global factors and had there been no international war crimes Tribunal for the former Yugoslavia, they would have remained our creation and our problem. Ultimately, they would have been confronted by us and brought before our own national courts until they were defeated, had answered for their crimes and were irreversibly discredited. However, thank God, there is now a peace accord structured by the Security Council, in particular by its most responsible members, and there is a Tribunal established by the United Nations — that is by all here, by all of us. Therefore, Radovan Karadžić and the others who have been indicted and are still free are no longer our creation but are in fact the creation of all in this Hall.

While on one occasion one group of the indicted has been confronted — and I would like to express our satisfaction and our thanks to the United Kingdom for its efforts — the continued hesitancy of the international community as a whole to confront and arrest the others who have been indicted is giving them new real and perceived powers. Simply put, these monsters of our region's creation were on their way to being discredited and disempowered. However, the rationalizations and excuses put to us as to why they are not being confronted, as to why they are not being arrested, have rejuvenated those individuals by making them seem invincible before the international community, the United Nations and in particular the most powerful military force today, the North Atlantic Treaty Organization (NATO). The excuses of the powerful not only undermine their own credibility and the peace agreement, but have in fact created a new monster. My country will be on the certain course to peace when those in my current position can call for full compliance with something that should be so non-controversial: our Constitution and international law.

Finally, let us be honest: Radovan Karadžić, Ratko Mladić and others like them will not turn themselves in. Let those responsible for peace stop the charade in calling for these people to turn themselves in. They and those that shield them only feel empowered and emboldened by such appeals. They are now the responsibility of the international community to deal with properly under the peace agreement and the Tribunal. The international laws that have been established must be enforced by the international community.

Judge Cassese and all others associated with the Tribunal have done all they can. We, who sincerely implement the peace accords, have done and will continue to do our part. Radovan Karadžić, those who shield him and those whom he shields will not do their part. It is clear what needs to be done, therefore, if we are to have lasting peace in Bosnia, stability in the region and a real future for the Tribunal, the proposed international criminal court and the United Nations.

Frankly, the representative of the Netherlands had it right. The Tribunal is not deficient. It is we — all present here today — who owe our unconditional support to the Tribunal, who are responsible for its current

deficiencies and who will ultimately be responsible for its success.

My thanks once again go to Judge Cassese and the many others who have done and will continue to do their part for justice, reconciliation and peace.

Ms. Giraldo (Colombia) (*interpretation from Spanish*): I wish first of all to convey the thanks of my delegation to Mr. Antonio Cassese, President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, for his comprehensive report.

Colombia was honoured by the election of one its most renowned jurists to serve as a judge on the International Criminal Tribunal for the Former Yugoslavia for the coming four years. Colombia is thus participating in the international community's effort to bring to justice those who have committed serious crimes in that region.

We are, of course, aware of the criticism levelled at the International Criminal Tribunal for the Former Yugoslavia. But the fact is that in a mere four years, and despite many obstacles in the way of its establishment and functioning, the Tribunal has become an institution that deserves our appreciation and admiration. Recently, there has been major progress: the first sentencing judgment has been handed down, and other cases are being heard.

We understand the great financial, logistical, legal and practical difficulties the Tribunal has had to face, including beginning its work without facilities or staff, establishing the relevant customary law, and securing cooperation from States. We encourage the international community to cooperate more actively with the Tribunal so that it can accomplish its task of bringing to justice those who committed atrocities during the war in the former Yugoslavia.

The establishment of this genuinely international and impartial Tribunal was an achievement of the international community. The proper functioning of the machinery for dispensing justice in the region is therefore in the interest of the United Nations. In the light of incidents such as those that took place in Srebrenica in the summer of 1995 it is even more essential for the international community to make a decisive contribution to enable this institution to fulfil its mandate.

We must not lose momentum or permit the buildup of resentments that could arise later. We must not forget those who perished in that atrocious war. Their silent voices call out to us to make sure that these crimes do not go unpunished.

Mr. Danesh-Yazdi (Islamic Republic of Iran): I wish to begin by expressing the appreciation of my delegation to Judge Antonio Cassese, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, for presenting the fourth annual report of the Tribunal, contained in document A/52/375. The 61-page report before the General Assembly illustrates numerous activities carried out by the Tribunal over a time span of 12 months. The Members of the Organization that are anxiously looking forward to seeing all criminals involved in the Balkan conflict brought to justice attach great importance to this report.

Four years ago the United Nations made a historic decision by establishing an ad hoc International Tribunal to bring to justice the perpetrators of the most heinous crimes, including genocide, "ethnic cleansing", massive rape of women, torture and forcible displacement of civilians, which were all committed against Bosnian Muslims. This major step was taken with the wholehearted support of all members of the international community in order to send a clear message to the victims of such criminal acts, the dimensions and ramifications of which go beyond any explanation, that humanity will not turn its back on them and that the criminals will not be given the opportunity to escape apprehension and prosecution. Every member of the international community is convinced that there will be no real peace in the Balkans without justice.

In the last four years the Tribunal has taken major steps forward to achieve the goals set forth by the United Nations. Despite the difficulties just spelt out by Judge Cassese, the Tribunal has become a fully operational judicial body. We note from the report that, during the period under consideration, the Trial Chambers and the Appeals Chamber were quite busy with the cases before them. Dozens of public and sealed indictments were issued; 20 indicted individuals, including some leaders involved in criminal acts, are currently under apprehension in The Hague. One trial and two sentencing procedures were completed in this period.

We commend the endeavours of the President of the Tribunal, the outgoing judges and other members of the Tribunal for their tireless efforts to uphold justice. We also congratulate the newly elected judges, who are about to assume their important responsibilities. We feel that for the smooth and effective functioning of the Tribunal, it is absolutely necessary that the General Assembly and the Security Council pay due attention to the financial and practical problems of the Tribunal, as illustrated in the report and briefly explained by Judge Cassese.

However, it seems appropriate at this juncture to recall that, with the wide scope of atrocities committed in the territory of the former Yugoslavia, it is quite obvious that the trial of a few criminals and the indictment of some others fall far short of the realization of the objectives of the Tribunal. A historic responsibility at a very critical juncture has been entrusted to the Tribunal. That international legal body, which enjoys the support of the international community, should redouble its efforts, fulfil effectively and expeditiously the responsibility assigned to it by the Security Council resolutions and ensure that under no circumstances will the imperative of justice be overlooked.

The report before the Assembly illustrates the praiseworthy support and cooperation rendered by various States and international organizations for the better functioning of the Tribunal. Since the inception of the Tribunal, the Islamic Republic of Iran has strongly supported its various activities aimed at terminating the culture of impunity. Accordingly, my country, as have done many other States, has already expressed its readiness to accept the convicted persons so that they can serve their sentences in Iranian prisons. However, the report indicates that some of the States or entities of the former Yugoslavia, in particular the so-called Republika Srpska, still resist full cooperation with the Tribunal and refuse to arrest and transfer the main indictees to face justice. Such intractable recalcitrance cannot and should not be tolerated by the international community and thus deserves to be condemned.

It needs to be emphasized that the success of the Tribunal in achieving its objectives is certainly tantamount to the success of human society in its fight against brutality. To this end, it is indispensable that all nations put in place all the measures required to enable this Tribunal to fulfil its mission. It is also essential that the United Nations, as the founder of the Tribunal, and the Security Council in particular, adopt decisive measures, exert maximum pressure on those States that persistently continue to disobey the orders of the Tribunal and ensure that the demand for international justice prevails over the interests of a few States. Let us ensure by our actions, as well as by our words, that culprits of heinous conduct will not be treated with impunity.

Mr. Šimonović (Croatia): The Republic of Croatia assigns special significance to the International Criminal Tribunal for the Former Yugoslavia and its work. Indeed, my country was instrumental in the Tribunal's establishment.

Croatia was among the first countries to enact implementing legislation so as to institutionalize its cooperation with the Tribunal. The Tribunal opened its Liaison Office in Zagreb, and the Croatian Government established its own Office for Cooperation with the Tribunal. In this way, my country has fully regularized its relations with the Tribunal.

The importance that Croatia attaches to the Tribunal is related to the recent well-known, most unfortunate events. The aggression that was perpetrated against Croatia commenced in mid-1991. The attack upon Croatia was directed almost completely against civilian targets. Over 8,000 people, mainly civilians, lost their lives and 25,000 were wounded as a consequence of acts of heinous barbarity. Hundreds of thousands became refugees or were internally displaced. Material damage included 15 per cent of the housing stock in the country, many sites of historical, religious and cultural significance and communications infrastructure. Direct war damage alone has been estimated at $25 billion.

Subsequently, in Bosnia and Herzegovina, following the same formula, aggression cost many more lives, and, in combination with the aggression in Croatia, caused the biggest refugee crisis in post-Second World War Europe. At its height, Croatia, whose pre-war population was 4.5 million, was caring for 750,000 refugees and displaced persons.

It is clear that in any war all sides commit at least some crimes. However, it is equally clear that there is a vast difference between the isolated crimes of individuals and those crimes which are used as tools for the achievement of some collective political aim. Croatia was the victim of this latter and far more dangerous form of crime. Consequently, my country was among the first that called for the establishment of an ad hoc war crimes tribunal. The International Criminal Tribunal for the Former Yugoslavia was ultimately established in May

1993, primarily to contribute to peace by dispensing justice to the victims. Croatia looks back today at this laudable aim and finds it to be only partly fulfilled.

Due to the limited resources of the Tribunal as compared to the magnitude of the crimes committed, it can only carry out its work in a selective manner. Therefore, the priority in deciding which crimes and which perpetrators to pursue carries more importance than it otherwise would. Indeed, the perception that is created as a consequence of the prosecutions that are pursued and the indictments that are issued is crucial.

Croatia cannot be entirely satisfied with this aspect. The composition of the group of people who have been brought before the Tribunal does not yet approach a proper reflection of what occurred during the conflict. For all the war crimes committed against Croatian citizens, which I briefly outlined earlier, only five indictments exist and only one of the accused is before the Tribunal. Because of the limitations of the Tribunal, it is the responsibility of the international community to do its utmost to equitably reflect, in the cases before the Tribunal, the events that took place. In the estimation of Croatia, to date the international community has fallen short of the mark. The countries which have cooperated with the Tribunal are those which, overwhelmingly, were also the victims of the aggression, whereas the aggressors have refused to cooperate. This situation has significantly detracted from the dispensation of justice. In addition, it has aided those who for various reasons might wish, in spite of the objective fact of the aggression, to impose their own "truth" about the nature of the conflict.

Croatia does not condition its cooperation with the Tribunal upon the reciprocal cooperation of any other country. Croatia considers cooperation to be a legal, political and moral duty. However, a situation such as the one at present, in which Croats from Croatia and Bosnia and Herzegovina make up 70 per cent of all the accused in custody, serves to create a severely distorted picture of the reality of the conflict.

The international community must show more perseverance in executing the existing indictments, thereby bringing those persons it has already identified before the Tribunal. The cause of justice will not be served unless those who have been indicted for the crimes they committed against Croatian citizens are brought to account before the Tribunal. The human aspect of the return of the displaced Croatian population to Eastern Slavonia, particularly Vukovar, will be seriously hampered unless this occurs. It was following the fall of Vukovar that the massacre of several hundred of the city's hospital patients occurred. The city remains a symbol of Croatian suffering during the war. The Government's own programme for reconciliation will be of diminished effect if the Tribunal is impeded in carrying out its duty.

Although the report accurately reflects most of the developments, some require additional comments and clarifications. The reference in paragraphs 75 and 76 to the "rules of the road", agreed in Rome on 18 February 1996 in respect of Bosnia and Herzegovina, contains a misinterpretation which Croatia has previously sought to clarify. Croatia supports the principle of the "rules of the road" insofar as it applies to the territory of Bosnia and Herzegovina. The principle was not meant to apply, and does not apply, to Croatia.

The assertions contained in the report have in some respects been superseded by subsequent events. It should be duly noted that the Republic of Croatia recently used its good offices in the transfer of 10 additional Bosnian Croat indictees into the custody of the Tribunal.

Finally, Croatia recently successfully appealed a finding of the Trial Chamber of the Tribunal in respect of *subpoenae duces tecum*. The decision of the Appeals Chamber to overturn the earlier finding has strengthened the credibility of the Tribunal as an international judicial body which acts within the authority assigned to it.

At the close of my remarks, I would like to pay special tribute to the work of the President of the Tribunal, his Honour Antonio Cassese, who is coming to the conclusion of his second and final term. He has brought to the Tribunal the highest academic standards and professionalism. I am glad that he found the time in his busy schedule to appear before the General Assembly today to deliver his report.

The Tribunal has, since its inception, made many significant contributions to international criminal jurisprudence. It will continue to be very important in its own specific role, and also in the light of the discussions concerning the future international criminal court. The work of the Tribunal, just like that of the future international criminal court and the international protection of justice in general, depends upon the cooperation of individual countries. It is the duty of the United Nations to encourage such cooperation or to take appropriate steps if needed.

Mr. Çelem (Turkey): With the signing of the Dayton Agreement, a new political era began in the turbulent region of the former Yugoslavia. But the way ahead is still fraught with dangers, and there may be setbacks on the difficult road to a just and viable peace and political stability. In the search for peace, one has to take into account the delicate balance between the need to end a crisis and the necessity of finding a satisfactory political settlement. Ending a conflict and human suffering, and then achieving peace, without sacrificing justice, is of fundamental significance.

In this context, the successful functioning of the International Criminal Tribunal for the Former Yugoslavia is imperative for the full implementation of the Dayton Peace Agreement, as well as for the establishment of lasting peace in Bosnia and Herzegovina.

I would like to thank President Antonio Cassese for his submission of the enlightening report of the Tribunal. It is indicated in the report that there has been very little progress with regard to the implementation of the Dayton Peace Agreement by the parties as far as the Tribunal is concerned. In this context, we welcome the continuing cooperative approach demonstrated by two States, Bosnia and Herzegovina and Croatia, as pointed out in the report. On the other hand, it is regrettable that this cooperative attitude was not displayed by the other parties.

This fact was also emphasized in the report of the Secretary-General dated 8 September 1997 on the United Nations Mission in Bosnia and Herzegovina. In the Observations section of this report, the Secretary-General states that

> "the authorities in the Republika Srpska have followed a policy of minimum implementation of the peace agreement". [S/1997/694, para. 47]

The Secretary-General further indicates that this entity of Bosnia and Herzegovina has done little or nothing to erase the effects of "ethnic cleansing" and for the return of the refugees to their homes.

The prerequisite for the implementation of the Dayton Peace Agreement, as with any international agreement, is that all parties have to comply with the letter and spirit of its provisions. Refusal to comply with this commitment, after formal recognition of the Tribunal and the undertaking to cooperate with it, constitutes a violation of the Agreement. This point has been duly made in the report submitted by the President of the Tribunal. For the normalization of relations in the territory of the former Yugoslavia and the attainment of the goal of a functioning union in Bosnia and Herzegovina, a new atmosphere of trust and security has to be built between the parties. This can be attained only by respecting the rule of law.

We have carefully studied this fourth annual report of the Tribunal submitted by Judge Cassese and listened a while ago with great interest to the statement he made. Most of our concerns are reflected in the report and the statement. We take note of the fact that the Trial Chambers of the Tribunal, in the period from 1 August 1996 to 31 July 1997, were busy with several cases, and the accused in the *Erdemović* case was sentenced to 10 years' imprisonment by the Trial Chamber. There is also the significant recent development of 10 Croatians surrendering to the Tribunal. This, we believe, is a turning point in the work of the Tribunal and would very much contribute to the achievement of its objectives.

Despite these accomplishments, the Tribunal, due to no fault of its own, remains a partial failure. The majority of indictees continue to remain free. Apart from this fact, we appreciate the work done by the Tribunal as a whole, and recognize its crucial and urgent problems, the most important one being the need to apprehend the military and political leaders who have been indicted. There is strong dissatisfaction in the international community about the fact that while we have a fully functional Tribunal in The Hague, the military and political leaders responsible for the grave violations of humanitarian law and the acts of "ethnic cleansing" in Bosnia and Herzegovina remain free. In order to bring these indictees before the Tribunal, the appropriate legal and political measures have to be formulated and put into effect. Without achieving this, the ideals of justice and peace rest in thin air.

On the other hand, problems such as insufficient funding and personnel continue to hamper the effective functioning of the Tribunal. These problems must be urgently and effectively addressed in the United Nations with a view to finding adequate solutions.

In conclusion, let me state that the termination of conflicts and the cessation of human suffering are among the important objectives of humankind. However, in efforts aimed at ending a particular conflict, justice must come into play at the right time. In Bosnia and Herzegovina, the right time is about to be left behind.

Mr. Abdullah (Malaysia): My delegation has carefully studied President Cassese's report, and we share the concerns of the Tribunal as highlighted in it.

The International Criminal Tribunal for the Former Yugoslavia was established four years ago with the main objective of dispensing justice to the victims of genocide and atrocities committed in the former Yugoslavia. My delegation is gratified to learn from the report that the Tribunal has made significant progress in carrying out the mandate entrusted to it by the international community to bring to justice the perpetrators of the horrendous crimes against humanity committed in the former Yugoslavia, especially in the Republic of Bosnia and Herzegovina. We note that the Tribunal has successfully tried an indictee and handed down a guilty verdict on him. He was sentenced to 20 years' imprisonment for his crimes. Another indicted criminal, who pleaded guilty, has been sentenced to 10 years' imprisonment. The trials of two other indictees are under way, while three additional indictees are awaiting trial in The Hague.

Malaysia commends the Tribunal for these achievements. However, we consider that the trial and sentencing of a few criminals by the Tribunal is insufficient and falls far short of realizing its objectives, especially when the main perpetrators of these crimes remain free to carry out their activities with impunity. My delegation is disturbed to note that many of these indicted criminals are still holding important official positions, some as police officers in several locations, in violation of the Dayton Peace Agreement. Even more disturbing is that the most notorious of these indicted criminals, Radovan Karadžić and Ratko Mladić, are still free and continue to exercise political influence in the Serb entity, the Republika Srpska. Their continued freedom constitutes a major hindrance to the realization of the objectives of the Dayton Peace Agreement to bring peace and justice to Bosnia and Herzegovina.

The Dayton Peace Agreement, signed in December 1995, obliges its signatories to cooperate fully with the Tribunal by executing the arrest warrants and delivering the indicted criminals to the Tribunal for trial in The Hague. However, to our utter dismay, the parties to the Agreement, notably the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Serb entity, have persistently refused to meet their obligations, and seem to be getting away with it. The Federal Republic of Yugoslavia has not only defied the orders of the Tribunal, but has failed to ensure the Republika Srpska's compliance with the Dayton Agreement by the execution of arrest warrants issued for more than 40 indictees in its territory. We strongly deplore their failure, which constitutes a blatant violation of the relevant Security Council resolutions and their commitment to the Dayton Agreement and shows gross disrespect for international law.

Full cooperation with the Tribunal by all parties in bringing the war criminals to justice is a fundamental obligation which must be honoured if genuine stability and lasting peace are to be consolidated in Bosnia and Herzegovina. It is imperative that the international community exert pressure on the Federal Republic of Yugoslavia and the Serb entity to comply with their obligations to the Tribunal. The Security Council, which is responsible for the Tribunal's establishment, should also be more assertive in ensuring that Member States fully comply with their obligations. Otherwise, the Security Council's objective in establishing the Tribunal — to contribute to the restoration of peace and security through the prosecution of persons responsible for serious violations of international humanitarian law — will be defeated. The families of the victims of those appalling crimes look to the Tribunal and to the international community for restitution and an end to the immunity which the perpetrators seem to enjoy. The Tribunal's failure to arrest and bring those indicted criminals to trial would be interpreted as a sign of weakness and would only encourage and embolden others, now and in the future, to defy the Tribunal and the international community. This cannot and must not be tolerated.

My delegation also wishes to emphasize the need for the parties involved in the implementation of the Dayton Peace Agreement to extend their full cooperation to the Tribunal. In this regard, we commend the recent efforts by the Stabilization Force (SFOR) in arresting an indicted criminal in Serb territory. We hope that this welcome development will mark the beginning of a productive working relationship between the Tribunal and SFOR.

My delegation would also like to stress the need for the Tribunal to be given sufficient financial resources to carry out its formidable task. We earnestly hope that the international community will be more forthcoming in its contributions to finance the activities of the Tribunal. Malaysia, for its part, has so far contributed $2.5 million to its fund, and it will continue to lend its modest support to the Tribunal.

In conclusion, my delegation congratulates President Antonio Cassese on the excellent report, and commends him and his team of dedicated judges and officials for their untiring and determined efforts, despite limitations and obstacles, to ensure that the victims of genocide and "ethnic cleansing" are not denied justice, and that the perpetrators are punished as soon as possible. We also wish to convey our appreciation to the Government of the Netherlands for its cooperation with and support for the Tribunal.

Mr. Babar (Pakistan): I would first like to convey my delegation's deep appreciation to President Antonio Cassese for his lucid statement and for preparing a comprehensive report on the performance of the International Criminal Tribunal for the Former Yugoslavia.

Today we can say with confidence that the Tribunal has achieved significant success in realizing its defined goals, particularly considering its difficult beginning owing to paucity of resources and other hurdles. It has no doubt made a vital contribution to the cause of humanity. We must also welcome the contribution of the Tribunal to the process of reconciliation and peace-building in the former Yugoslavia, highlighting that there can be no real peace without justice.

The International Tribunal has much still to do before it can claim that justice has been meted out for the aggrieved people of former Yugoslavia. Security Council resolution 827 (1993) called upon "all States" to cooperate with the Tribunal in order to ensure its effective functioning. In this regard, we appreciate the cooperation extended by Croatia and the central authorities of Bosnia and Herzegovina. However, cooperation from the other parties is not satisfactory. Despite repeated appeals from the international community, one of the parties has not yet taken measures to enact legislation enabling it to cooperate with the Tribunal.

It is unfortunate that the States which promoted ethnic cleansing in Bosnia and Herzegovina are now trying to protect criminals through various legal stratagems. They are putting forward different excuses to delay and hinder the process of dispensing justice to the victims. The provisions of the Dayton Agreement are most comprehensive and should be implemented by all parties. The solemn commitment made at Dayton must be complied with to ensure proper criminal proceedings against the war criminals. We must not allow any violation of the Security Council resolution or undermining of the Tribunal's primacy.

If speedy justice is to be ensured, the States must help in apprehending the indicted criminals. The international community must ensure full and timely implementation of all aspects of the arrangements agreed to by the parties.

The main perpetrators of genocide and "ethnic cleansing" in Bosnia and Herzegovina — Radovan Karadžić and Ratko Mladić — are still at large and enjoying a freedom they do not deserve. They continue to play an active role in the politics of Republika Srpska. These criminals must surrender to the rule of law without any delay. We believe in the famous dictum: "Justice delayed is justice denied".

Recently one party has questioned the impartiality of the Tribunal, with a view to tarnishing its image. We have full confidence in the impartiality of the Tribunal. The Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republika Srpska have also suggested that the perpetrators of heinous crimes should be tried in their own countries. This is indeed a malicious campaign to dilute the role of the Tribunal and the international community. We must strongly oppose such a move.

My delegation would like to welcome the cooperation extended to the Tribunal by the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the Stabilization Force (SFOR) in arresting two indicted criminals. The report of the Tribunal has termed this a "critical turning point". We should welcome these gestures while urging the need to formalize their cooperation as envisaged in the Dayton Accords.

The Prosecutor of the Tribunal has rightly pointed out the need for continued assistance from Implementation Force (IFOR) and SFOR troops for the exhumation of mass graves in the insecure areas of former Yugoslavia. That is a genuine demand which must be heeded. The forensic activities in the mass grave sites should be carried out as quickly as possible. Delay in that work is likely to destroy the evidence which is so vital for effective prosecution against such heinous crime.

In conclusion, Pakistan has consistently provided moral and financial support to the Tribunal. Pakistan has so far contributed $1 million out of the total contribution of $8.6 million received by the Tribunal. We note that the Tribunal continues to suffer from a shortage of funds. We urge all Member States to contribute generously to

the Voluntary Fund to Support the Activities of the Tribunal to enable it to carry out its functions and responsibilities effectively and efficiently.

Mr. Burleigh (United States of America): The United States Government wishes to thank President Antonio Cassese of the International Criminal Tribunal for the Former Yugoslavia for his address before this body today. President Cassese's stewardship of the Yugoslav Tribunal during its first four years of existence has been commendable. Under his leadership, the Tribunal grew from a mere piece of paper to a fully functioning international criminal tribunal investigating, prosecuting and judging the fate of individuals charged with crimes under international law. This was no small achievement. In fact, it has been a historic undertaking, for which President Cassese can take much credit. We are pleased that President Cassese will continue his work with the Yugoslav Tribunal as Judge Cassese and thank him for his dedication to the pursuit of international justice.

In his address, President Cassese pointed to the obstacles and problems confronting the Yugoslav Tribunal. We share his concerns. With the recent taking into custody of more indictees by the Yugoslav Tribunal and by the International Criminal Tribunal for Rwanda, the number of trials in The Hague and in Arusha necessarily must increase, thus requiring more support from this body.

In international litigation, particularly of this character where investigations are of the most complex nature, the evidence is primarily found with witnesses rather than in documents, and the investigators must carry out their work in countries other than the one in which they are based. The cost is therefore necessarily high. Any comparison of comparable or even less complicated investigations at the domestic level shows how high the costs can be. Usually, the figures for a major national investigation and prosecution, as high as they are, in the tens of millions of dollars, do not reflect the additional high costs of defence counsel, judges, and courtroom administration.

At the Yugoslav Tribunal as well as at the Rwanda Tribunal, the entire cost of judicial proceedings is reflected in their respective budget requests to the United Nations. On a comparative basis, these budget requests pale in comparison to comparable budget figures in national systems. While management problems in the past hobbled some of the critical work of the Rwanda Tribunal, we believe that both Tribunals are now on track and, with proper oversight, deserve our full support.

The United States strongly urges Member States to examine carefully the calendar year 1998 budget requests of both the Yugoslav and Rwanda Tribunals and to support budget levels in the Fifth Committee that will enable these two bodies to fulfil their responsibilities. This is particularly important as more indictees come into custody and as investigations continue of those most responsible for serious violations of international humanitarian law in the former Yugoslavia and in Rwanda.

The United States also recognizes the possible need for more judges for both Tribunals and looks forward to examining specific requests in the Security Council and the budgetary implications of those requests.

We reaffirm President Cassese's request that all States and entities cooperate fully with the Yugoslav Tribunal. There is no justification for the near-total non-cooperation of Republika Srpska and the Federal Republic of Yugoslavia with the order of the Tribunal, particularly in the apprehension of indictees in areas under their control. The recent cooperation of the Government of Croatia in facilitating the surrender of indictees is commendable, but more cooperation from Croatia is required. The United States Government will continue to use every tool at its disposal to compel cooperation and to strengthen the capabilities of the Yugoslav Tribunal.

The United States joins with other Member States in continuing to support the work of the war crimes Tribunals. We are determined that justice will be rendered and that the people of the former Yugoslavia and the citizens of Rwanda will discover some reconciliation in the accountability of those individuals responsible for these heinous crimes.

Mr. Sáenz-Biolley (Costa Rica) (*interpretation from Spanish*): My delegation is pleased to participate in this discussion on the report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

First, through you, Sir, I should like to thank Judge Antonio Cassese, President of the Tribunal, for his detailed assessment of the work of that important body.

Costa Rica believes that there can be no peace without justice, no reconciliation without truth being brought to light, and that a free and democratic society

cannot be built so long as the criminal perpetrators of the most horrible atrocities continue to go completely unpunished. Impunity is a serious threat to peace, prompting the victims to seek vengeance and bolstering the aggressors' arrogance. Against this background, the existence of the Tribunal for the Former Yugoslavia is an indispensable element of the peace process in the Balkans. My delegation therefore can do no less than repeat its firm and total support for the Tribunal's work.

The last four years have been an historic period for the Tribunal and, generally speaking, for the international administration of justice. During this period, the Tribunal has not only consolidated its administrative base and adopted its Rules of Procedure and Evidence, but has begun to hear a small but important number of cases. The Tribunal has also set important precedents, milestones in international jurisprudence, regarding trial procedures. In this connection, my delegation notes with particular pleasure the developments in both the practice and the Rules of the Tribunal regarding the protection of victims and witnesses, as well as the accurate interpretation, characterization and definition of crimes perpetrated against women and girls.

Moreover, my delegation considers that the work of the Tribunal has been of paramount importance in the development of international humanitarian law and international human rights law. The jurisprudence of the Tribunal has become an authorized interpretation of customary international law and a catalyst for the progressive development of that law in the areas where as yet there are gaps or a lack of precision. Moreover, the very existence of this Tribunal has given indispensable impetus to the creation of the international criminal court, which is currently the subject of negotiations, and which Costa Rica hopes will be established in 1998.

Over the past four years, Costa Rica has had the privilege of having one of its most distinguished citizens, Dr. Elizabeth Odio-Benito, serving as a judge of the Tribunal. Costa Rica was honoured by the election of Judge Odio-Benito to serve as Vice-President of the Tribunal. In her work, Judge Odio-Benito has enjoyed the full support of the people and Government of Costa Rica, and she has given us cause for national pride. The term of office of Judge Odio-Benito is about to end. However, she will continue to exercise her functions for a short additional period, until the *Čelebići*, case proceedings, which began during her term of office, have been concluded. In this work, she will continue to enjoy the full support of the people and Government of Costa Rica.

On the other hand, not all the news about the work of the Tribunal is so positive. The lack of cooperation on the part of some Governments and local authorities, in violation of their international obligations, is scandalous. The authorities of the Republika Srpska, the Federation of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) must comply with their international obligations. The authorities of these entities must arrest and transfer to the custody of the Tribunal the accused who are in their territories. These authorities must also cooperate in the gathering of evidence and facilitate the participation of witnesses. More importantly, these authorities must bring to justice the possible authors of crimes. It should not be forgotten that the existence of the International Tribunal does not release these entities from their governmental obligation to administer justice and punish the guilty.

We are also particularly concerned that some of the indictees still hold public office in the politico-administrative structures of those entities. This is the most serious form of impunity and the most flagrant violation of the fundamental right of victims to justice. And thus one of my country's recurrent themes in the Security Council is the obligation of those entities to cooperate with the Tribunal. Both the Tribunal and the Security Council must continue to urge those entities to recognize the necessity for them to give the Tribunal due cooperation. However, this task must continue to be the exclusive responsibility of political bodies. Judges of the Tribunal should avoid the temptation to negotiate directly with States in the region; this runs counter to the judges' judicial function.

Another problem area is the financial situation and the lack of staff. There can be no doubt that the Tribunal needs more resources and more staff. The financial authorities of the United Nations and our own delegations in the Fifth Committee must do more to ensure that the Tribunal has the necessary resources.

In conclusion, I would once again like to reiterate that Costa Rica gives its full and unwavering support to the work of the International Criminal Tribunal for the Former Yugoslavia.

Mr. Henze (Germany): Allow me to convey through you, Sir, my deep appreciation of the report of the International Criminal Tribunal for the Former Yugoslavia and of its presentation by the Tribunal's President, Judge Antonio Cassese. I associate myself with

the statement made by the Permanent Representative of Luxembourg on behalf of the European Union.

Given my Government's deep respect for the independence of the Tribunal, I will refrain from commenting on its work. The Tribunal's report, presented so lucidly by the President of the Tribunal, gives us a clear and comprehensive account. As in the last session of the General Assembly, I wish, however, to underline again the obligation of States to cooperate with the Tribunal under Security Council resolution 827 (1993). In my Government's view, a stable and lasting peace in the Balkans can only come about if justice is done and war criminals, of whatever nationality or ethnic identity, are duly prosecuted. At the end of our century, which has seen the most frightful atrocities, it cannot be tolerated that systematic killings for the purpose of "ethnic cleansing" go unpunished. Germany is extremely grateful to the Tribunal for the pioneering role it has assumed in this important context.

My country has made every effort to contribute to the prosecution of violations of humanitarian law in the Balkans and will continue to do so. Germany was one of those that actively supported the establishment of this Tribunal right from the beginning. We have continued vigorously to support its work in the political and legal fields. We have also assisted with personnel and financial contributions. Germany is, in fact, the third largest contributor to the Tribunal's budget. May I be forgiven in these difficult times for pointing out that all of our contributions have been paid on time.

The cooperation of the German authorities with the Tribunal is regulated in a statute passed by the German parliament in April 1995. My Government extradited two men charged with war crimes to the Tribunal. The extradition of Duško Tadić by Germany to The Hague was the very first extradition to the Tribunal by a Member State. Germany has also declared its readiness to execute sentences handed down by the Tribunal.

German law enforcement authorities cooperate closely with the Tribunal in order to ensure an effective and transnational prosecution of violations of humanitarian law. These efforts include special protection for those of the many refugees from Bosnia and Herzegovina on German territory who are required by the Tribunal as witnesses.

Due to the principle of legal universality introduced by the 1995 statute, German authorities investigate violations of humanitarian law committed in the former Yugoslavia regardless of the citizenship or residence of the suspects. In two instances, German courts have pronounced prison sentences in connection with violations committed in Bosnia and Herzegovina. The International Criminal Tribunal in The Hague had been kept informed about the trials and chose not to exercise its right to request extradition. At present, German law enforcement authorities are investigating further cases, again in close cooperation with the Tribunal.

As I said at the beginning, the Yugoslavia Tribunal, jointly with the one on Rwanda, plays a pioneer role. At the end of this century, we are faced with the historic responsibility not to let war atrocities go unpunished. Germany is therefore actively committed to the establishment of a permanent international criminal court. We believe that a permanent court will greatly benefit from the experience gained by the Yugoslavia Tribunal in the elaboration of the convention for its establishment and in the initial period of self-organization.

Mr. Erdos (Hungary) (*interpretation from French*): The delegation of Hungary wishes to associate itself with the statement made by the Permanent Representative of Luxembourg, Mr. Jean-Louis Wolzfeld, on behalf of the European Union. We also wish to thank President Cassese for the introduction of his report, whose contents we welcome. We must weigh the crucial importance of the subject before us today for the future of humanity.

I am making this statement in order to stress the great interest of Hungary in the activities of the International Criminal Tribunal for the Former Yugoslavia. The enormity of the tragedy is well reflected in the Tribunal's report. My country, situated adjacent to the former Yugoslavia, was particularly affected by the repercussions of this tragedy. Ethnic and religious intolerance, the policy of "ethnic cleansing" and the acts of barbarity that accompanied events in the former Yugoslavia are a deeply tragic and very relevant warning about the quality and solidity of our civilization on the cusp of the twenty-first century.

The forum that the Security Council decided to establish four years was designed to dispense justice; to prevent the perpetrators of crimes unprecedented since the last war from enjoying impunity; and to facilitate the normalization of relations, not just among the countries in the territory of the former Yugoslavia, but also between the peoples, the ethnic communities, the religious communities and individuals living in those territories. Our political and moral responsibility is

enormous: to open the way to the triumph of justice and the advent of normal and harmonious coexistence between communities that have, in fact, lived together for centuries and were cruelly ravaged by recent events with which we are all familiar.

The scope of this endeavour is particularly great since, if the international community does not act responsibly and without complacency, the example of events in the former Yugoslavia and the impunity of those accused could, as the report states, embolden others to emulate the crime. Even with the passing years, we cannot forget how the international community erred in addressing this crisis by involuntarily encouraging those who, over the course of time, felt increasingly comfortable in giving free rein to their ethnocentric and inhumane aspirations, coldly established as systematic theory.

We therefore deplore the absence of cooperation with the Tribunal by certain countries and entities. Accordingly, we deem unacceptable and disgusting the fact that many of the accused still occupy high posts. Worse yet, in the light of the horrors committed, they continue to disseminate the ideas of aggressive nationalism and to extol the "merits" of ethnic segregation, which is in fact a new form of apartheid at the end of our century, this time in the heart of Europe.

Hungary, given the historic legacy of our region, rejects and will strongly continue to reject such ideas. We call upon all members of the international community and all international forums to continue to support the Tribunal's work and to facilitate the total fulfilment of its mandate. After all, this is a question with direct bearing on the future of international relations.

Mr. Zmeevski (Russian Federation) (*interpretation from Russian*): Russia favours the just punishment of all those guilty of crimes committed during the conflict in the territory of the former Yugoslavia. We continue to attach great importance to the work of the International Tribunal, established by a decision of the Security Council.

However, we absolutely cannot agree with the attempts to describe as "cooperation" with the Tribunal or as "support" for its work preplanned actions for the armed seizure of suspects, in particular under the aegis of the current peacekeeping operation in Bosnia and Herzegovina. We have repeatedly emphasized that such deliberate actions are not within the mandate of the multinational Stabilization Force, as outlined in the Peace Agreement.

Russia does not intend to bear the responsibility for the consequences of such unilateral actions, particularly since our military contingent participates in the international peacekeeping force. At the time that the terms of our participation were being agreed, we objected to the arbitrary interpretation of the mandate according to which police functions were assigned to the multinational Force. We confirm that the Russian brigade will not take part in such actions. We are opposed to steps that could undermine the process of peaceful settlement in Bosnia, particularly since they could jeopardize international peacekeepers, which include 1,500 Russian servicemen.

On the whole, we are concerned at the trend we have seen in recent months of an increase in military elements that use force in the arsenal of the peacekeeping efforts in Bosnia and Herzegovina.

Experience has shown that military operations during the discharge of a civilian task do not speed up the peace process. Quite the opposite; they slow it down, particularly since in this case they are being used against only one of the Bosnian parties. Reliance on the use of force alone can only subvert the authority of international structures among the civilian population of Bosnia and create a favourable climate for the work of extremists. The problem of the extradition to The Hague of persons indicted of war crimes should be resolved only through cooperation among the parties themselves with the International Tribunal, as was stated in the international documents on the Bosnian settlement, in particular in the decisions of the London Conference of 1996.

We are convinced that it is only through the adoption of this approach that the Tribunal's work can facilitate the ultimate goal of reaching a settlement in the former Yugoslavia — the restoration and the consolidation of peace in that region.

The Acting President (*interpretation from Spanish*): May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 49?

It was so decided.

Agenda item 26

University for Peace

Draft resolution (A/52/L.10)

The Acting President (*interpretation from Spanish*): I give the floor to the representative of Costa Rica to introduce draft resolution A/52/L.10.

Mrs. Castro de Barish (Costa Rica) (*interpretation from Spanish*): I am very pleased to see the Permanent Representative of Panama presiding over the plenary of the General Assembly at this time, and it is a particular honour for me to begin the consideration of item 26, "University for Peace", and to address the General Assembly on behalf of the fraternal Republics of Central America — El Salvador, Guatemala, Honduras, Nicaragua, Panama and Costa Rica — on a subject to which we attach great importance.

We are meeting today in accordance with resolution 50/41 of 8 December 1995, in which the General Assembly decided to include in the agenda of the fifty-second session the item entitled "University for Peace" to consider ways of strengthening cooperation between the United Nations and the University for Peace. Since its establishment by resolution 35/55 of 5 December 1980, the University has set out to become what the then Secretary-General of the United Nations — Javier Pérez de Cuéllar, who is currently the President of the Council of the University — termed the sole globally oriented United Nations institution headquartered in Latin America.

The main objective of the University is to

> "provide humanity with an international institution of higher education for peace and with the aim of promoting among all human beings the spirit of understanding, tolerance and peaceful coexistence, to stimulate cooperation among peoples and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations of the Charter of the United Nations". *(Charter of the University for Peace, article 2)*

The true significance of the University's activities lies in its cooperation with the United Nations Educational, Scientific and Cultural Organization in the effort to promote a culture of peace in which cooperation and harmony would replace the harmful and deeply rooted culture of violence and warfare.

Here, I should like to comment on a relevant and interesting point. During his recent visit to the University for Peace last June, Facundo Cabral, the famous Argentine singer-songwriter, said:

> "In a society as crazy as ours, the smartest thing to do is to stand aside. By not cooperating with insanity, we are already doing a great deal for sanity."

He later added:

> "Mother Teresa said that the time would come when so many will stand aside that no one will be left to engage in the horror of warfare."

I must point out that in Central America, the University for Peace has been cooperating in the pacification process through projects on education for peace, a culture of peace, human rights, conflict resolution techniques and the promotion of democracy. This active presence was crystallized in the Esquipulas II agreements of 7 August 1987, which laid the foundation for democratization and pacification in Central America through the creation of national reconciliation commissions. The presence of the University made itself felt once again when it suggested that the Central American Presidents convene the first regional meeting of the reconciliation committees, which took place at headquarters of the University, in Colón, Costa Rica, from 18 to 20 September 1989. By promoting peace and reconciliation, the University has made a meaningful contribution to resolving the Central American crisis. This led the Presidents of the region to declare Central America, in December 1990, a region of peace, freedom, democracy and development — an inspiration in the present as well as for the future, as has been noted by the General Assembly.

The University for Peace has national representation in 12 countries: Brazil, Chile, Ecuador, El Salvador, Spain, Guatemala, Honduras, Italy, Nicaragua, Panama, Peru and Uruguay. The World Centre for Research and Information on Peace was established earlier this year in Montevideo, the capital of Uruguay, by agreement between the Government of that country and the University, which gave that Centre the status of regional sub-headquarters for South America.

Among the many seminars, courses, conferences, round tables and activities carried out by the University, I should like to note the establishment of the Central

American Peace Chair. This is a particularly important initiative, as it establishes a lofty academic venue in which the most important leaders of the region can express themselves.

Some of the activities we believe deserve emphasis include the international seminar on sustainable development and progress in the social field, which took place from 15 to 17 January 1996 at the Centre for Democratic Studies for Latin America. The seminar was coordinated by the University for Peace, the United Nations Development Programme, the Friedrich Ebert Foundation and the Inter-American Institute for Cooperation on Agriculture. It concluded with a statement designed to facilitate the implementation of the agreements entered into with the Alliance for Sustainable Development, which was introduced at the fifteenth presidential meeting and announced at the Central American Environment Summit for Sustainable Development, held in Managua on 12 and 13 October 1994.

There was consensus on the prerequisites for the sustainable development of Central America, including equal opportunity and access, social investment for human development, a consolidated culture of peace, making the human being the focus of development, and respect for ethnic and cultural diversity. On the environment, the group agreed that legislation on environmental policies must be reviewed, revised and implemented and that the environmental and social ethos must be strengthened. In the economic sphere it was considered that a redistribution of opportunities was necessary in order to generate wealth through a progressive tax system, job creation and a model for self-propelled development.

Master's degrees were awarded in the fields of communication for peace, international relations, development and peace, and ecology, sustainable development and peace. In 1998 the University will grant a master's degree in human rights and education for peace, and a first doctorate in communication for peace will be awarded in cooperation with the University of La Laguna, Canary Islands, Spain.

It is clear, then, that the challenges are great and the resources scarce. That is why the Governments of Central America once again urge Members that have not yet done so to accede to the International Agreement for the Establishment of the University for Peace, approved through the adoption of resolution 35/55, with a view to enabling the University to realize its theme: if you desire peace, you must prepare and educate for peace. The University for Peace must be a laboratory for the spirit of peace, in which we must create a new mentality of peace as we approach the new millennium.

I wish now to introduce draft resolution A/52/L.10 on behalf of our sister republics of Central America — El Salvador, Guatemala, Honduras, Nicaragua, Panama and my own country of Costa Rica — and the many other States Members of the United Nations that have joined in sponsoring the draft resolution. The remainder of the 82 sponsors are as follows: Afghanistan, Algeria, Andorra, Argentina, Bahamas, Bangladesh, Barbados, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Burundi, Cape Verde, Chad, Chile, Colombia, Comoros, Congo, Côte d'Ivoire, Cyprus, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Georgia, Greece, Grenada, Guinea-Bissau, Guyana, Haiti, Italy, Jordan, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Marshall Islands, the Federated States of Micronesia, Monaco, Morocco, Nepal, Netherlands, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Seychelles, Singapore, Slovenia, Solomon Islands, Spain, Sri Lanka, Sudan, Swaziland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, United Arab Emirates, Uruguay, Vanuatu, Venezuela and Yemen.

In the preambular part of the draft resolution, the General Assembly recalls the approval, by resolution 34/11 of 14 December 1979, of the idea of the establishment of the University for Peace, and lists the various resolutions the Assembly has adopted in that connection, most recently resolution 50/41 of 8 December 1995.

It recognizes that the University has suffered from financial limitations which have impeded the full development of the activities and programmes necessary for carrying out its important mandate, but recognizes also the important and varied activities carried out by the University during the period 1993-1995, largely thanks to the financial contributions made by Central America, Canada, Costa Rica and Spain and contributions by foundations and non-governmental organizations. In this connection, I want to stress the terms of the sixth preambular paragraph relating to the Trust Fund for Peace established by the then Secretary-General, His Excellency Mr. Javier Pérez de Cuéllar, with the assistance of the United Nations Development Programme, consisting of voluntary contributions.

By the seventh and eighth preambular paragraphs the Assembly notes the various activities carried out in the context of the report of the Secretary-General entitled "An Agenda for Peace" and emphasizes the importance of promoting respect for the values inherent in peace and universal coexistence among human beings, such as respect for life, friendship and solidarity between peoples and the dignity and integrity of persons irrespective of their nationality, race, sex, religion or culture.

The Assembly further expresses appreciation to the Government of Uruguay for establishing a World Centre for Research and Information on Peace, and takes note of the efforts being made by the United Nations and by the United Nations Educational, Scientific and Cultural Organization for the development and promotion of a new culture of peace, to which the University has devoted many important efforts.

The operative part of the draft resolution is action-oriented. Here the General Assembly requests the Secretary-General to consider ways of strengthening cooperation between the United Nations and the University for Peace and to submit a report thereon to the General Assembly at its fifty-fourth session. In paragraph 2, it invites Member States, non-governmental organizations and intergovernmental bodies, as well as interested organizations and individuals, to contribute directly to the Trust Fund for Peace and to the budget of the University.

By paragraph 3, the Assembly invites Member States to accede to the International Agreement for the Establishment of the University for Peace, thereby demonstrating their support for a global peace studies institution whose mandate is the promotion of a global culture of peace.

Finally, in paragraph 4, the Assembly decides to include in the agenda of its fifty-fourth session the item entitled "University for Peace".

The sponsors hope that draft resolution A/52/L.10, which does not greatly differ from resolution 50/41, adopted at the fiftieth anniversary session of the General Assembly in 1995, will be adopted without a vote.

Mr. Olarte (Colombia) (*interpretation from Spanish*): It is the view of the delegation of Colombia that, in the context of the United Nations programme of education for peace, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Institute for Training and Research (UNITAR) and the United Nations University should coordinate with the University for Peace their educational plans based on conflict prevention and the peaceful settlement of disputes.

The report on its activities submitted by the University for Peace for 1995-1997 is satisfactory in view of the achievements made despite financial limitations.

The education provided by the University for Peace is an appropriate and effective tool to promote and develop peaceful coexistence. Its education plans should offer programmes or workshops aimed at creating societies characterized by peace, coexistence, respect for human rights and the promotion of development.

One element that generates internal conflicts disturbing the peace, harmony and economic development within States is the confrontation between capital and labour. Education for peace must also envisage the training of people to show more solidarity in the productive processes and be aware that harmony and balance in relations will improve the quality of life at all levels.

We believe that the question as to whether peace is a prerequisite for economic development or the converse — that economic development is a prerequisite for peace — has been sufficiently discussed and studied in academic and political circles. The conclusion is that peace and economic development are interlinked and interdependent and that both aspects are simultaneously cause and effect.

Colombia promotes and supports the initiatives and activities that have been taken to prevent violence and conflicts, and rejects violence as a tool in conflict resolution.

The delegation of Colombia is a sponsor of the draft resolution contained in A/52/L.10 on the University for Peace, and recommends that it be adopted by consensus.

Mr. Fulci (Italy): Since the General Assembly's foundation of the United Nations University for Peace in 1980, Italy has applauded this noble endeavour and the commitment of its host country, Costa Rica, to making the University a reality.

According to article 2 of its Charter,

> "The University is established with a clear determination to provide humanity with an international institution of higher education for peace and with the aim of promoting among all human beings the spirit of understanding, tolerance and peaceful coexistence, to stimulate cooperation among peoples and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations proclaimed in the Charter of the United Nations." [resolution 35/55, Charter of the University for Peace, article 2]

In this day and age, when the news media continue to be dominated by stories of crises and outbreaks of conflicts in various part of the world, nothing could be more valuable than the University's emphasis on conflict prevention, peacekeeping and peace-building. One should not — one cannot — underestimate how vital these three areas are to United Nations activities. In fact, it is our profound conviction that educating individuals to the principles on which peace rests is, in the long run, the soundest way to prevent conflicts and to promote the causes of world peace, freedom, democracy and justice.

This approach to education as a tool for better and more effective peacekeeping is one that Italy profoundly shares. In fact, my Government is committed to a series of joint educational initiatives with countries that have experienced first-hand the horrors of war or civil unrest. In the framework of existing universities and research institutes, these programmes aim to strengthen cooperation in the field of post-conflict peace- building.

Thus, Italy is proud to co-sponsor draft resolution A/52/L.10 under consideration, and we fully support its adoption by this General Assembly.

Mr. Valencia Rodríguez (Ecuador) (*interpretation from Spanish*): The General Assembly, adopting the proposal of the President of Costa Rica in his address to this Assembly at its thirty-third session, established the University for Peace in its resolution 35/55 on 5 December 1980, as an international centre specialized in postgraduate education, research and dissemination of knowledge specifically directed towards training for peace. In the course of its 17 years of work, this worthy institution has remained loyal to these lofty objectives, which could be summed up as the search for peace through education, and thereby deserves our praise and recognition.

The University has accomplished many things which should be emphasized. One that we might just mention is the Gandhi Centre for Communication, which was established in 1985 by means of a programme of cooperation with the Italian Government and is responsible for preparing and supervising plans for the production and programming of communication instruments for training, education and information, as well as the training of technicians in the field of communication for peace. Similarly, Radio for Peace International was also the result of joint efforts by the University and World Peace University in Oregon, USA. It originated as a non-governmental organization to inform, educate and train for a culture for peace. In the same way, the International Centre for Documentation and Information for Peace was given the function of identifying, collecting and disseminating data and information relating to peace. It also deals with topics such as human rights, international relations, ecology, international law, and so on.

The University has offered a master's programme in international relations since 1991, and the students are trained to perform functions related to international issues, at both the governmental and non-governmental level. One aspect of major importance today has not been overlooked either: in 1991 a master's programme in natural resources and sustainable development was conceived. We hope that the causes that have led that programme to be temporarily suspended will soon disappear.

Among other current projects, one might note the master's programme in human rights and education for peace, as well as the doctoral programme in information sciences for peace in the Great Caribbean, both of which will begin in 1998.

We should add to these praiseworthy projects the establishment in May 1997 in Montevideo, Uruguay, of the World Centre for Research and Information on Peace, which was achieved through the generous support of the President of Uruguay, Mr. Julio María Sanguinetti.

The University is also carrying out various research, training and extension activities, including the International Programme on Indigenous Studies, the Programme on Culture of Peace and Democracy in Central America and the Programme on the Construction of Consensus and Strengthening of Negotiation in Central America. As can be seen, these are questions of vital importance not only for the region but for the entire international community. It is also carrying out academic

extension activities, such as conventions, seminars, workshops and short courses.

I believe that the University is effectively achieving the objectives for which it was established. We are witnessing on a daily basis the resurgence of intolerance, violence and non-respect for human rights and fundamental freedoms; incitements to hatred are spreading to many corners of the planet; many peoples are still oppressed and are unacquainted with the great benefit of freedom; and international disputes — which must be resolved exclusively by peaceful means, in accordance with the San Francisco Charter — are continuing, imperilling peace and security. That is why I believe that the United Nations should provide firm support to the University for Peace and should call upon Member States to provide it all the support they can. At the same time, we recognize and thank the Government of Costa Rica for its important contributions to facilitating and promoting the activities of the University.

My delegation therefore asks the General Assembly to adopt the draft resolution before it without a vote.

Mr. González (Chile) (*interpretation from Spanish*): Chile attaches great importance to agenda item 26, entitled "University for Peace", as it is part of our continuing pursuit of peace and the need for structured dialogue and harmonization based on a climate of mutual trust and on the creation of a shared concept of international security.

Our country has been working informally to develop a new concept of security — that of sustainable security. This concept stems from common roots, such as the promotion and strengthening of democracy and human rights, respect for ethnic and cultural values and the consolidation of democratic regimes, that can be extended through time and reach future generations. In this context, education for peace plays an absolutely indispensable role in contributing to the elaboration of this concept.

Within this framework, our country welcomes, with satisfaction, hope and the desire to work together, the work of the University for Peace, whose latest report we have read thoroughly. As the report makes clear, the University's research, training and extension activities have been far-reaching and productive. In this context, we congratulate the Government of Costa Rica for its efforts to realize its objectives.

We believe, however, that, without prejudice to the general concepts to which we have referred, it is essential to have academic proposals that can deal in a very well-defined manner with some of the global strategic threats that undermine international peace and security. The issues of drugs and terrorism, among others, should be the subject of specific studies, which, coming from an eminent university and a prestigious Government, would surely receive appropriate international support. In this context, as in other areas of common interest identified by agreement, Chile will contribute the necessary substantive support.

Within the context of the issue under consideration, we would also like to welcome the establishment by the Government of Uruguay of the World Centre for Research and Information on Peace, which will act as a secondary site of the University in the Southern Cone. Clearly, the fact that Uruguay is assuming responsibility for the Centre guarantees that its political, legal and academic credentials will be irreproachable.

In particular, we should like to stress the significant contribution of the University to the process of peacemaking in Central America. In this context, its projects and extension activities have strengthened respect for human rights and the consolidation of democracy and, most importantly, have gradually made the people of the region aware that they have an active role to play in the search for a culture of peace. We believe that our continent is becoming increasingly mature and eager to give that culture a central role in education projects and in the formulation of the new concepts of security that I mentioned earlier.

However, despite all the progress that has been made and the great importance of the issue under consideration, Chile notes with particular concern that only 34 States have acceded to the International Agreement for the Establishment of the University for Peace, which entered into force on 7 February 1981, and more than half of them are in the Latin American region. That is why we are ready to work closely with the Government of Costa Rica and other countries in the region that are involved in this important initiative so that more countries will accede to the Convention.

For these reasons, Chile, as a sponsor of draft resolution A/52/L.10, asks the General Assembly to adopt it without a vote.

Mr. Rahman (Bangladesh): Bangladesh is pleased to participate in the debate on the plenary agenda item relating to the University for Peace. Considering the important role that the University has been playing and could play in the future, Bangladesh has been one of the

sponsors of the relevant draft resolutions from 1980 to date.

The Charter of the University for Peace conceives it as an institution for higher education in peace. It has the objective of fostering a spirit of understanding, tolerance and peaceful coexistence. Its vocation includes teaching, research, interdisciplinary studies of all matters related to peace, postgraduate training and the dissemination of knowledge. In considering the agenda item, three questions seem particularly pertinent. The first is whether the thematic aspects, academic content and research projects are focused on the pursuit of peace which constitutes the objective and purpose of the University. The second is whether a proper assessment or evaluation has been made of the University's contribution to advancing the cause of peace. The third is whether the University has been endowed with the necessary human, material and financial resources to carry out its mission.

As the report provided to us by the University on its activities during the last three years tells us, the academic and extra-academic activities of the University are devoted to our common search for peace. In our view, the programmes of the University should cover interdisciplinary or intersectoral studies of military as well as non-military threats to peace and security. Special focus could be placed on a set of basic disciplines such as development, democracy, the rule of law, justice, good governance and human rights — factors that provide the foundation of durable peace.

The University for Peace has, over the decade and a half or so of its existence, contributed to the understanding and pursuit of peace in Central America and beyond. We wish to see it gradually assuming a truly global vocation and significance within the perimeters of existing institutions such as the United Nations Institute for Disarmament Research (UNIDIR), United Nations University and non-United Nations research organizations. It is important that in the design of its academic and extra-academic programmes, attention is given to avoiding duplication while not excluding complementarity. UNIDIR, for example, has been engaged in the study of the linkages between peace and arms control and disarmament. The University, while keeping the subject in its curricula, should devote itself to other disciplines and develop expertise in other areas.

We would like to see the University not only as a powerhouse of ideas and concepts but also of innovative ways and means for their realization. We are happy to note that its programmes embrace "An Agenda for Peace". Further thought should be given to the expansion of the role and function of the University in efforts to understand and promote peace. It could, for instance, associate itself with the efforts to realize the objectives of the ongoing United Nations Decade for Human Rights Education, 1995-2004. As we all know, the importance of respect for fundamental freedoms and human rights in consolidating peace cannot be overemphasized.

We have noted with satisfaction the special emphasis given by the University, in the context of the pursuit of the Agenda for Peace, to the area of peacekeeping, peace-building, preventive diplomacy and the peaceful settlement of conflicts. It has continued to expand its activities, both academic and extra-academic, despite resource constraints. In this connection, we laud the establishment by the Government of Uruguay of the World Centre for Research and Information on Peace. The Centre, acting as the regional sub-headquarters of the University, will certainly make an important contribution to the consolidation of peace in the region.

The resource constraints have unfortunately curtailed the missions and potential of the University. We encourage generous contributions to the Trust Fund for Peace established by the United Nations Development Programme to receive assistance for this unique institution. We are confident that a better understanding of its purposes will encourage greater and wider support for the University. I would like to join in expressing our thanks to the Government of Costa Rica for hosting the University, thus making a significant contribution to the cause of peace.

Last week, the Assembly considered the agenda item entitled "Towards a culture of peace". The quest for peace, we argued, is not a cult. It consists in addressing the factors that threaten or shatter peace among nations and within, among societies and within, among human individuals and within. We find a natural kinship in the concept of a culture of peace and what the University pursues.

Aristotle said:

> "As all associations aim at some good, that association which is the most sovereign among them embraces all others and aims at the highest, that is, the most sovereign of all goods."

The most sovereign good — that highest value — is peace, and that is the quintessence of the United Nations Charter.

The University for Peace naturally deserves the support of the association of nations we represent here.

Mr. Castellón Duarte (Nicaragua) (*interpretation from Spanish*): First of all, I would like to express my support for the statement made by Ambassador Emilia Castro de Barish of Costa Rica on behalf of the Central American countries.

The University for Peace is an institution created by the United Nations General Assembly on 5 December 1980. It has as its primary objective the search for peace through education. It follows the ideals of the Charter of the United Nations, the Universal Declaration of Human Rights and its own charter. Its headquarters are in the Republic of Costa Rica.

The University has specialized, *inter alia*, in the area of international relations, ecology and communication for peace, in national campaigns and festivals for peace, in the peaceful settlement of disputes, in reaching consensus in social and labour conciliation, and in the training of indigenous leaders.

In Central America, where the University is located, it has participated very actively, through its programmes and projects, in the peace processes that have taken place in our region since the conflicts of the 1980s and early 1990s.

In our countries we have had a very valuable, enriching and productive experience with the University, which has had an impact on the achievement and maintenance of peace, the search for peaceful solutions to conflicts and respect for human rights. It has contributed to the development of a culture of peace, sustainable development and democracy. This experience could serve as a valuable model, with the appropriate variations, in other geographical regions that have experienced conflicts similar to those we suffered in Central America.

The University recently established in Montevideo, Uruguay, a World Centre for Research and Information on Peace, which will enjoy the status of regional sub-headquarters of the University for Peace in South America. The University also has national representatives in 11 countries: Brazil, Chile, Ecuador, El Salvador, Guatemala, Honduras, Italy, Nicaragua, Panama, Spain and Uruguay.

One of the main ways the University transmits specialized information not readily accessible in the world's English, Spanish or French media is Radio International Peace, established in 1987 by an agreement with the World Peace University in Oregon, United States of America. This station was set up as a not-for-profit non-governmental organization designed specifically, among other things, to inform, educate and train for a culture of peace, with the objectives of mass dissemination of concepts promoting peace and technical training in communication for peace for communicators in other media.

The University's academic extension courses, at its main campus and in other countries, reached more than 2,500 students from 27 countries between 1995 and 1997.

The International Agreement for the Establishment of the University for Peace entered into force on 7 April 1981. Currently, 34 countries have acceded to it. We urge States that have not yet done so to accede to this Agreement, thereby giving important moral support to the institutions and principles that guide it. Contributions to the University are voluntary.

The University is a dynamic institution that is trying to set up in the near future sub-headquarters in various continents, which will facilitate its presence and activities throughout the world as a United Nations institution. To that end, we invite interested States and institutions to cooperate with the efforts of the University authorities as they try to obtain the financial resources necessary to develop their activities fully and fulfil their mandate to promote world peace.

We hope that the draft resolution (A/52/L.10) will be adopted by consensus.

Mr. Petrella (Argentina) (*interpretation from Spanish*): It is an honour for my delegation and a very great personal privilege to see you, Ambassador Aquilino Boyd of Panama, presiding over this meeting.

The United Nations is the only Organization that can restore peace and security in the world. The promotion of institutions that disseminate the concept of peace by means of education is thus essential to realize that objective.

Involving all the actors that contribute directly or indirectly to building the concept of a culture of peace means engaging in a difficult but indispensable process of continuous learning in order to defend and ensure peace. The University for Peace makes a distinctive and unique contribution to the attainment of these objectives.

Argentina is unconditionally committed to supporting international initiatives that will make it possible to achieve universal peace. Nothing could be more fitting, therefore, than to further disseminate the activities undertaken by the University of Peace since its creation 1980. In that regard, we support the initiative of our sister nation, the Eastern Republic of Uruguay, to establish a World Centre for Research and Information on Peace in Montevideo.

We also welcome as an extremely positive development the enhanced cooperation the University for Peace has enjoyed with Member States of the United Nations, international organizations and non-governmental organizations, which has given the University an all-embracing yet integrated vision. Particular mention should be made of the contributions of Costa Rica, Canada and the Netherlands.

The signing of conventions and the development of bilateral and multilateral programmes of cooperation, as well as the holding of courses, workshops and seminars and the operation of master's and doctoral programmes, attest to the University's excellence and seriousness as it works to fulfil its commitments.

These actions have strengthened the role of the University and allowed for alternative ways of improving quality of living, achieving sustainable development and contributing to the progress of less developed cultures.

In summary, not even the visible support and cooperation that Member States of the United Nations give the University for Peace will be enough. The dissemination of peace as a universal concept is not a short-term process but one that must be continuously nourished by new ideas and undertakings, since the supreme and undeniable value of peace is at stake.

Given that it is only through the work and active participation of countries that a universal and lasting peace can be achieved, our delegation supports the draft resolution submitted by Costa Rica, in the hope that the largest possible number of countries will cooperate in the task of the University for Peace: to allow future generations to live in a world in which peace will not be unattainable, but will have become a reality that gives rise to hope and the building of a better world.

Mr. Pérez-Otermin (Uruguay) (*interpretation from Spanish*): My delegation endorses the statements of preceding speakers and wishes to emphasize the importance Uruguay attaches to the University for Peace and all the activities of that prestigious entity.

Among those activities, we wish to note particularly, as did the representative of Costa Rica, the creation in Uruguay of a sub-headquarters of the University for Peace. The establishment of the World Centre for Research and Information on Peace in Montevideo, our capital, has been made possible through the wholehearted support of the Rector of University, Mr. Francisco Barahona, and our President, Mr. Julio María Sanguinetti, with the generous assistance and cooperation of many other countries in our Latin American and Caribbean region.

The primary objective of the World Centre is to disseminate information collected in a data bank, which will include a peace site. This operating system will allow for virtually immediate communication via the Internet between researchers and individuals, universities and other civil institutions.

Uruguay has read the report on the work of the University for Peace from 1995 to 1997 and is carefully following all of its varied activities. We would note especially the generous assistance provided by the Government of Costa Rica throughout this period and wish to make the University's work relevant to our region.

Uruguay, whose basic principles of foreign policy are founded on respect for international law and the peaceful settlement of disputes, and which was one of the first to accept the binding jurisdiction of the International Court of Justice, all of which makes it a truly peace-loving country, is gratified by the great honour done it with the establishment of the regional sub-headquarters of the University for Peace on its soil.

The Acting President (*interpretation from Spanish*): We have heard the last speaker in the debate on this item.

The Assembly will now take a decision on the draft resolution. May I take it that the Assembly decides to adopt draft resolution A/52/L.10 and Add.1?

Draft resolution A/52/L.10 and Add.1 was adopted (resolution 52/9).

The Acting President (*interpretation from Spanish*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 26?

It was so decided.

The meeting rose at 1.35 p.m.